
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

KELLY S. McENTIRE,

Plaintiff,

v.

ROBERT V. NEWMAN, et al.,

Defendants.

Case No. 2:13-cv-362 DN-EJF

**ORDER ADOPTING REPORT &
RECOMMENDATION**

District Judge David Nuffer
Magistrate Judge Evelyn J. Furse

Before the court is Magistrate Judge Furse’s Report and Recommendation¹ under [28 U.S.C. § 636\(b\)\(1\)\(B\)](#) recommending that Plaintiff Kelly S. McEntire’s complaint be dismissed as frivolous under [28 U.S.C. § 1915\(e\)](#). Judge Furse further recommends that the court impose filing restrictions on Mr. McEntire.

Because Mr. McEntire is proceeding pro se, the court construes his filings liberally.² Mr. McEntire has not filed a formal objection to the Report and Recommendation. He did, however, submit other documents, one of which was filed within the fourteen-day objection period.³ The court has carefully considered this submission which does not appear to be an objection. Instead, Mr. McEntire states that he is “done” and “making plans for the future—a future that excludes all legal work.” The court nevertheless has reviewed all relevant materials de novo and adopts the Report and Recommendation in its entirety.

¹ [Docket no. 36](#) filed October 21, 2013.

² *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972).

³ [Docket no. 37](#), filed October 28, 2013.

ORDER

The complaint is **DISMISSED** without prejudice as frivolous under 28 U.S.C. § 1915(e)

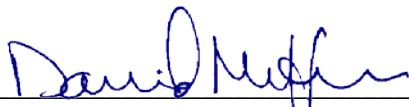
(2)(B)(i).

In addition, the court imposes the following filing restrictions on Mr. McEntire:

1. The Clerk of the Court will collect any new civil complaint filed by Mr. McEntire in this Court and forward it to a magistrate judge for review.
2. The magistrate judge will then review the complaint to determine whether it has merit and should be filed, or whether it lacks merit, duplicates prior filings, or is frivolous.
3. If the magistrate judge determines the complaint lacks merit, duplicates prior filings, or is frivolous, the magistrate judge will forward the complaint to the Chief District Judge for further review.
4. If on review the Chief District Judge determines the complaint has merit, the complaint will be filed.

Signed December 4, 2013.

BY THE COURT



District Judge David Nuffer